

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22291 of 2004

Between:

Sri Ramula Koteswara Rao, S/o. Radhakrishnaiah, Hindu,
R/o. Door No, 27-1-223, Balajinagar, Nellore,

..... PETITIONER

AND

- 1 The Municipal Corporation of Nellore, rep by its Commissioner,
Nellore.
- 2 The District Collector, Nellore.
- 3 Sri Basha, Son of not known, Resident on the road in front of
D.NO.27-1-223, Balajinagar, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not taking any steps to remove the encroachments raised on the public road situated in front of the petitioner's house bearing Door No. 27-1-223, Balajinagar, Nellore and also reopen the canal closed by the 3rd respondent and his men which is existing in front of the petitioner's house pursuant to the forwarding of the representation of the petitioner dt. 25-4-2003 by the 2nd respondent as illegal, arbitrary and amounting to dereliction of duty and consequently direct the 1st Respondent to take immediate steps to remove the encroachments raised by the 3rd respondent and his men and also reopen the canal closed by the 3rd respondent and his men which is existing in front of the petitioner's house.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondent No.1: Mr. D. Srinivas (SC for Municipalities)

**Counsel for the Respondent No.2: GP FOR MUNICIPAL ADMN. & URBAN
DEV.**

Counsel for the Respondent No.3: ----

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be owner of House bearing Door No.

27-1-223 of Balajinagar, Nellore and in possession of the same for the last 35 years.

That for the last two years the 3rd respondent has been living in front of the house of the petitioner by encroaching the road and by raising hut on the compound wall of the petitioner. The relative of 3rd respondent, namely, Sulthanamma also raised a tin shed besides the hut of the 3rd respondent. The grievance of the petitioner is that they are causing serious obstruction for ingress and egress into his house as well as causing inconvenience to the general public who are passing through the said public road. That the 3rd respondent and others also closed the channel situated on the other side of public road for the purpose of toilets, as a result of which sanitary water is entering into the house of the petitioner. Therefore, on 25.04.2003 the petitioner has submitted a representation for removal of said encroachments to the 2nd respondent-District Collector, who in turn forwarded the same to the 1st respondent-Commissioner to take appropriate action in the matter. But, the 1st respondent did not take any action so far. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Municipal Administration and Urban Development.

Since the representation dated 25.04.2003 of the petitioner is said to be pending for consideration before the 1st respondent, without going into merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent-Municipal Commissioner to consider the same and pass appropriate orders thereon, in accordance with law.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

(N.V. RAMANA, J)

Date: 03.12.2004

Nsr/Tvk

To

1 The Commissioner, Municipal Corporation of Nellore,

Nellore.

2 The District Collector, Nellore.

3 Two CCs to GP for Municipal Administration and Urban Development,

High Court of AP, Hyderabad (OUT)

4 Two CD copies.

